

## BUSH OUSTER PROCEEDINGS DISMISSED BY CHANCELLOR

## AMERICANS SUFFER CASUALTIES FOUR HOURS AFTER REACHING FRONT

NO LIVES ON CAROLINA  
LOST; COLUMBUS IN PORT

Probable That All Aboard Porto Rican Escaped.  
Savannah Line Ship Arrives Safely at  
Atlantic Port.

## TOLL OF UNDER-SEA RAIDERS

Steamer Texel	Sunk by bombs
Schooner Jacob M. Haskell	Sunk by shell fire
Schooner Edward H. Cole	Sunk by bombs
Tanker Herbert L. Pratt	Sunk
Schooner Isabel B. Wiley	Sunk
Schooner Edna	Sunk
Schooner Hattie Dunn	Destroyed
Schooner Hauptauge	Sunk
Steamship Winneconne	Sunk
Steamer Carolina	Shelled

New York, June 4.—The possibility that every person was saved on board the coastwise steamship Carolina, shelled and probably sunk by one of Germany's invading U-boats on Sunday, was indicated this afternoon with the arrival of ships at various Atlantic ports.

At one port the American schooner Eva B. Douglass put in with about 300 of the passengers and crew. At a second port a British steamship arrived with eighteen of the passengers and one seaman. This accounts for 319 of the Carolina's total complement and passengers, 350 in all, of whom 200 were passengers.

Based on these figures, thirty-one persons are unaccounted for, providing the exact number carried on the Eva B. Douglass is 300. Meanwhile at a third Atlantic port another steamship arrived with survivors of one or more vessels as yet unidentified. The suggestion was made in marine circles that these survivors might be from the Carolina.

New York, June 4.—A boat from the steamship Carolina, containing nineteen survivors, including two women, has landed at New York, Del.

This message was received by the New York & Porto Rico line today from the coast guard service. All but one of the nineteen survivors were passengers, the message indicated.

New York, June 4.—The long-expected visit of German armed submarines to American waters has resulted in the destruction of at least ten vessels flying the Stars and Stripes, according to reports from various ports along the Atlantic seaboard. The attacks were made by two super-submersibles, and most of the vessels were bombed and sent to the bottom last Sunday, although it is known that two of the craft were destroyed May 26. So far as is known, there has been no loss of life.

Chief interest today centered upon the fate of the 220 passengers and crew of 140 men of the 8,000-ton steamer Carolina, of the New York & Porto Rico line. The liner was attacked on Sunday night when within 200 miles of Sandy Hook, and, as nothing has been heard since her "S. O. S." signals were picked up, her owners assume she is lost. The crew and passengers, in small boats, were reported thirty-five miles out to sea, headed for the New Jersey coast, early today, and coast guard cutters were on their way to pick up the survivors.

Reports that the Savannah liner City of Columbus also had fallen prey to the lurking menace of the seas lacked confirmation, as was the case of the schooner Samuel W. Hathaway.

Revised List of U-Boat Victims.

A revised list of the toll of the undersea raiders follows:

Steamer Texel, of 3,210 gross tons, sunk by bombs sixty miles off the Jersey coast Sunday.

Schooner Jacob M. Haskell, of Boston, sunk by shell fire Sunday off Barnegat, N. J.

Schooner Edward H. Cole, of Boston, sunk by bombs fifty miles off Barnegat Sunday.

Tanker Herbert L. Pratt, of Philadelphia, sunk off Cape Henlopen Sunday.

Schooner Isabel B. Wiley, of Bath, Me., sunk Sunday off Barnegat.

Schooner Edna, of Machias, Me., picked up as a derelict off Cape May, N. J., May 26.

Schooner Hattie Dunn, of Thomaston, Me., destroyed as a derelict May 29 off Winter Quarter Shoal lightship.

Schooner Hauptauge, of New York, sunk twenty-five miles off Barnegat May 28.

Steamship Winneconne, sunk off Cape May on May 26.

Steamer Carolina sent wireless calls for help while being shelled

by a submarine Sunday evening off Sandy Hook.

Of Great Size, Well Armed.

Members of the crews of the vessels agreed generally that the German submarines were of great size and well armed. Some reported that the craft were about the same size as the U-53, which conducted a raid off Newport, R. I., before America's entry into the war.

Ports along the coast were still closed today by order of Secretary Daniels. As soon as the presence of the raiders became known the navy took prompt measures to endeavor to locate the hostile craft. More than 100 airplanes and dirigibles today kept up their unceasing vigil of the sea. News that the war had been brought almost to the door of the city has excited New York more than any news happening in recent years. There was no disposition to be alarmed, however. The police department, in conjunction with military officials, long ago made protective arrangements in the event of either an attack by submarines or airplanes.

Another Tanker Lost.

New York, June 4.—Reports came to shipping authorities today that another American tank steamship had been sunk by a German submarine. No details were disclosed.

Haskell's Crew Lands.

Boston, June 4.—Officers and crew of the schooner Jacob M. Haskell, sunk by a German submarine, were landed at a New England port by the steamer Grecian today.

Dorchester Into Port.

New York, June 4.—The steamship Dorchester, of the Merchants' and Dorchester Transportation company, has arrived safely at an Atlantic port, according to word received here today. Her arrival relieved the anxiety which had been felt concerning her.

To Escape Sea Menace.

Philadelphia, June 4.—The Clyde line steamer Jacksonville for New York, with passengers and a heavy cargo, put into an Atlantic port today to escape the submarine menace. The passengers were sent to their destination by rail.

Had Fight With U-Boat.

New York, June 4.—News reached here today that an American tanker damaged as a submarine off the American coast had arrived at an Atlantic port.

Naval troops picked up the crippled vessel at sea and towed her in. Details were withheld for the time being. The tanker's hull was punctured and she had shipped a considerable quantity of water. The hull of the motorboat had been pierced by the fire of the U-boats' guns. One of only three ears found in the boat had been splintered in a way that indicated the use of a machine gun.

There was found in the boat a man's cap and a number of biscuit tins.

At South Atlantic Port.

An Atlantic Port, June 4.—Two steamships with passengers, believed to be submarine survivors, came into a South Atlantic port early this afternoon.

Freighter in Rescue.

An Atlantic Port, June 4.—Bringing survivors from a vessel or vessels sunk by German submarine, an American coastwise freighter arrived here today from southern waters.

Out From Charleston.

An Atlantic Port, June 4.—The Mailers liner Sabine from a Gulf port with forty passengers put in here today and reported that she met with a submarine yesterday between Charleston and Frying Pan shoals lightship.

A second vessel, the identity of which is unknown, came to the rescue of the liner and chased the submarine out to sea.

The merchants' and miners' steamship Nantuxet, northbound, also put in here this morning, having been warned by an unknown vessel that enemy submarines were in the vicinity of Frying Pan shoals lightship.

BRITISH WOMEN TO BE  
EMPLOYED AS AVIATORS

(Associated Press.)  
London, June 4.—Employment of women as aviators is intended by the British government, George Probert, labor minister, declared in a speech at Sheffield while referring to the important part that women are playing in industry. The minister said he believed women would make very good aviators.

ONE HUNDRED TANKS  
USED BY GERMANS

In Assault on Heights of the  
Aisne—Two Hundred Ger-  
mans Are Captured.

(International News Service.)  
London, June 4.—The Germans employed 100 tanks when they began their offensive against the allies on the heights of the Aisne on May 27, according to Hamilton Eyre, war correspondent of the Daily Mail.

It is rumored that 200 Germans got across the Marne river, but that they were quickly captured by the French.

FOUR AIRSHIPS SHOT  
DOWN ON BALKAN FRONT

Two Fall in Flames, Says Of-  
ficial French Report—Al-  
lies Repulse Enemy.

(International News Service.)  
Paris, June 4.—Four more hostile airplanes have been brought down by the allied forces on the Balkan front, two of them in flames, the French war office announced in a communique devoted to Macedonian operations. Three British airplanes attacked twelve enemy machines.

Attacks against the allied forces near Monastir were repulsed. (Monastir, which is in Serbia, is held by the Serbians.)

UNITED STATES TROOPS IN  
DASHING COUNTER-MOVE

(Associated Press.)  
Paris, June 4.—Between the Oise and the Aisne the Germans last night were prevented from making any progress, says today's official statement.

American troops, thrown into the battle on the western side of the Champagne salient, have stopped the German advance near Neuilly wood and in a dashing counter-attack have thrown back the Germans, the war office announced today.

On the Marne front German troops which had forced a passage of the river were driven back again by French and American troops.

The battle continued with the greatest violence between the Aisne and the Ourcq. The Germans captured Pernant. Further south the French lost a little ground.

The Germans had made a further advance in the Ourcq valley, capturing the town of Sully-La-Poterie.

For Takes Village.

Paris, June 4.—The Germans have made a further advance at a point between the Marne and the Ourcq, capturing the village of Neuilly-La-Poterie, seven and one-half miles northwest of Chateau Thierry.

Activity Above Amiens.

London, June 4.—The German artillery developed considerable activity early in the morning between Albert and Serre, on the front above Amiens, the war office announced.

(International News Service.)  
Paris, June 4.—American reinforcements have reached the Aisne-Marne battle front and have taken their place upon the most vital part of the line, north and south of the Marne river, where the German hordes have been making their greatest efforts to break through in the direction of Paris.

Americans, fighting with Gen. Foch's reserve army, attacked German detachments that forced a crossing of the Marne river in the sector of Jaulgonne (twelve miles east of Chateau-Thierry), throwing them back across the stream.

The Germans suffered severely in the fighting and lost some hundreds of prisoners.

After the boats had been beaten back to the northern bank of the stream, the Franco-American forces destroyed their pontoon bridge.

Americans were also engaged with the Germans north of the Marne in the sector of Neuilly (about ten miles north of Chateau-Thierry), where the boats renewed their attacks in an effort to capture a wood.

The Germans were making strong efforts to extend their line in that sector, but were thrust back by a strong counter assault.

The Americans acquitted themselves gallantly.

SAMMIES INTO  
BATTLE AT ONCE

Welcomed by Allied Comrades  
Already Fighting on the  
Marne.

TEARS RUN DOWN FACES  
Oaked With Dust, at Frantic  
Need—Little Girls Offer  
Flowers.

(By Ernest P. Orr, International News Service Staff Correspondent.)  
Paris, June 4.—American soldiers received such a frantically cordial greeting when they reached the great Marne battlefield that they went into action with the tears streaming down their dust-caked faces.

Old men cheered them with might and main. Little girls plucked bouquets of wild flowers from the roadside and ran alongside the sturdy American youths, thrusting the flowers into their hands.

In connection with the French war office announcement today that the Americans are taking part in the battle on the Marne, it was learned that within four hours of their arrival at the front the first American wounded were being taken to the rear. Slightly wounded men were carrying more seriously wounded French and British and were aiding refugees.

American camions were carrying wounded to hospitals, some of which had been converted from churches.

FATALITIES DUE TO AIR  
WRECK NUMBERED SEVEN

(Associated Press.)  
Washington, June 4.—Fatalities due to airplane accidents in flying fields in this country from May 15 to 25 numbered seven, the war department announced today.

Mr. J. M. Payne, city treasurer, resigned this afternoon on account of the showing of the recent report of Special Auditor Peterson. Mayor Littleton said he regretted Payne's resignation in his office for several days awaiting acceptance. Mayor Littleton then stated that he had tried to correct him, but was unable to do so, and thought he would best serve the city by accepting his resignation.

Commissioner Betterson spoke to the same effect. Payne's resignation was accepted and John Hibbetts as appointed to succeed him.

The next bomb exploded was by Commissioner Betterson, who charged Mayor Littleton with using \$87 out of the mayor's budget to pay one Vance Williams, who was placed by the mayor as a guest in Jack on park.

Mr. Betterson, in a long report, suggested that Williams had been hired by the mayor for political reasons, in order that Williams might be of political service to Mr. Littleton in Williams' home, Franklin county.

Mayor Littleton denied this, stating that he did not know that Williams had done that. He thought Commissioner Herron had agreed to pay one-half of Williams' salary. Commissioner Herron was dubious about this. Commissioner Betterson's report went on to say that Williams was fired from his job immediately after he (Williams) went to Franklin county during the election, and when he came back he had much trouble getting his salary, which was \$37.

This matter will be brought before the board of commissioners Tuesday, who will be asked to approve of the action of Mayor Littleton.

City Attorney Frank Carden was asked for his opinion, which he reserved for a later meeting.

LOSE THEIR LIVES IN  
SEVERE STORM AT SEA

Sixteen Out of Thirty-five Per-  
sons in Motorboat are  
Washed Overboard.

Lewes, Del., June 4.—Sixteen of the thirty-five persons in a motorboat which was wrecked here today were drowned in a severe thunderstorm Sunday night while drifting about the ocean seeking rescue.

Grecian Brings in Crew of  
Schooner Jacob M. Haskell

(International News Service.)  
Vineyard Haven, Mass., June 4.—The steamer Grecian is at anchor here not far from the Savannah liner City of Columbus. Neither vessel bears any marks of submarine shellings. The Grecian has on board the crew of the schooner Jacob M. Haskell, which was torpedoed and sunk by the German submarines. No small boats have been permitted to go out to either liner and no word has come ashore.

New York, June 4.—Capt. Harbort reported that he had 150 passengers and 24 of the crew aboard the four-masted schooner Eva B. Douglass, Lewes, Del., sent word that 19 survivors were landed there and Atlantic City reported that one lifeboat with 22 passengers and crew had reached there and that another boat was landing with other Carolina survivors.

This last boat is believed to contain the remainder of those missing from the Carolina.

FAIR, SAYS BILLY 'POSSUM

No longer do the lusty fans who congregate on corners, ask passersby, "Who won?" They pose as solemn in a serious way.

"What's the score?" is all they ask and then they're done.

The weather fair with but slight change in temperature tonight and Wednesday.



Hamilton County's Sheriff, Who Has Just Passed Through Two Ousters at Ouster.

PAYNE RESIGNS  
CITY TREASURY

Petersen's Report Showing  
Carelessness in Keeping  
Accounts Ousts City  
Official.

## ROW OVER SMALL AMOUNT

Betterson and Littleton Clash  
Over Legality of Check  
Given Vance Williams.

J. M. Payne, city treasurer, resigned this afternoon on account of the showing of the recent report of Special Auditor Peterson. Mayor Littleton said he regretted Payne's resignation in his office for several days awaiting acceptance. Mayor Littleton then stated that he had tried to correct him, but was unable to do so, and thought he would best serve the city by accepting his resignation.

Commissioner Betterson spoke to the same effect. Payne's resignation was accepted and John Hibbetts as appointed to succeed him.

The next bomb exploded was by Commissioner Betterson, who charged Mayor Littleton with using \$87 out of the mayor's budget to pay one Vance Williams, who was placed by the mayor as a guest in Jack on park.

Mr. Betterson, in a long report, suggested that Williams had been hired by the mayor for political reasons, in order that Williams might be of political service to Mr. Littleton in Williams' home, Franklin county.

Mayor Littleton denied this, stating that he did not know that Williams had done that. He thought Commissioner Herron had agreed to pay one-half of Williams' salary. Commissioner Herron was dubious about this. Commissioner Betterson's report went on to say that Williams was fired from his job immediately after he (Williams) went to Franklin county during the election, and when he came back he had much trouble getting his salary, which was \$37.

This matter will be brought before the board of commissioners Tuesday, who will be asked to approve of the action of Mayor Littleton.

City Attorney Frank Carden was asked for his opinion, which he reserved for a later meeting.

LOSE THEIR LIVES IN  
SEVERE STORM AT SEA

Sixteen Out of Thirty-five Per-  
sons in Motorboat are  
Washed Overboard.

Lewes, Del., June 4.—Sixteen of the thirty-five persons in a motorboat which was wrecked here today were drowned in a severe thunderstorm Sunday night while drifting about the ocean seeking rescue.

Grecian Brings in Crew of  
Schooner Jacob M. Haskell

(International News Service.)  
Vineyard Haven, Mass., June 4.—The steamer Grecian is at anchor here not far from the Savannah liner City of Columbus. Neither vessel bears any marks of submarine shellings. The Grecian has on board the crew of the schooner Jacob M. Haskell, which was torpedoed and sunk by the German submarines. No small boats have been permitted to go out to either liner and no word has come ashore.

New York, June 4.—Capt. Harbort reported that he had 150 passengers and 24 of the crew aboard the four-masted schooner Eva B. Douglass, Lewes, Del., sent word that 19 survivors were landed there and Atlantic City reported that one lifeboat with 22 passengers and crew had reached there and that another boat was landing with other Carolina survivors.

This last boat is believed to contain the remainder of those missing from the Carolina.

SECOND OUSTER AGAINST  
SHERIFF NICK BUSH FAILS

Chancellor Holds Alleged Illegal Collection of Fees  
Was Customary and Not Sufficient Breach  
to Justify Ouster — Case Will Prob-  
ably be Appealed.

The second ouster suit against Sheriff Nick P. Bush, of Hamilton county, was dismissed Tuesday afternoon by Chancellor W. B. Garvin. The chancellor, in his opinion, upheld the contention of the defense that the filing of the bill was illegal for reason of a former suit pending. The suit pending refers to the first case against the sheriff which is now pending on an appeal before the supreme court. The chancellor further held that though the sheriff may have received fees he was not justly entitled to, he did not do wrong willfully or knowingly, but followed a well established custom for a long time in use. The chancellor ordered the bill dismissed with costs. Attorneys for the state will in all probability appeal from this decision. The opinion in full, which was recorded in the office of the clerk and master at 2:30 by the chancellor, is as follows:

State ex rel. Wilson et al.  
vs.  
Nick P. Bush, Sheriff.

The first defense to the present bill is that of a former suit pending. On Jan. 2, of this year, the state, on the relation of the attorney-general, filed its bill in this court to oust the defendant from his office as sheriff. The charges preferred against the defendant in that bill were based upon matters growing out of his conduct during the textile strike and the street car strike in the summer and fall of 1917. On March 2, after the defendant had answered the original bill and had moved the court to set the cause for trial, the state's supplemental bill, amended and supplemental bill, has been filed in this court and the bill filed in this court and the bill filed in this court and the bill filed in this court.

The foregoing is conclusive of the present case, but I cannot refrain from expressing my views upon some aspects of the merits of the case.

1. When the defendant received fees in the honest, though mistaken belief that they were authorized by law, and such fees were received in accordance with a custom existing for many years and never questioned in this and other counties of the state, I am of opinion that he cannot be held to have thereby knowingly or willfully misappropriated himself in office or to have committed acts involving moral turpitude. I have attended with care the very able arguments of counsel for the state in this regard, but to my mind their insistence involves in the last analysis a question of fact in law.

2. Reasons of convenience may require that the appearance bonds of accused persons be taken at the office of the sheriff where a record can be made of the same rather than by the arresting officer. But going to the making of the record, it is not the sheriff's office in the jail to give a bond and making a record of the same otherwise. No further fact is due or should be demanded or received except where the accused is actually committed to the jail for the bona fide purpose of confinement.

3. Under the statute to entitle the sheriff to charge and receive a per diem for keeping and feeding a prisoner, it is not enough that the prisoner was confined in the jail at the moment the jailer made his computations and began his preparation for a meal. The requirement of the statute is that he must "actually feed" the prisoner. This language is imperative and cannot be made to yield by construction to the convenience of the jailer. If literal compliance with the statute will cause the jailer inconvenience and expense in keeping account of the prisoners he actually feeds, or if it occasionally results in a small loss, these are burdens which the jailer must assume along with the emoluments of the office. The proof in the case does not show any specific instance in which the sheriff has charged a per diem for a prisoner not actually fed, but on the state's statement his opinion was as to the effect of the statute and what course he would pursue, unless advised to the contrary. Hence the foregoing observation.

The purpose and effect of the statute was, first, to change the custom of feeding prisoners confined in jail only two meals a day and to require that they be regularly fed three meals per day; and, second, to establish the custom of charging a per diem for prisoners who were merely confined for a short period without being fed at all. The custom, which must have been equally well-known to the legislature, of not recognizing divisions of a day and charging a full per diem where only one meal was given was not touched. The requirement is simply that the prisoner be actually fed. This is the view of J. C. McReynolds, and I think it is correct.

For the reason first above stated the bill will be dismissed with costs.